

Judge Pauley

BLANK ROME, LLP
Attorneys for Plaintiff
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
The Chrysler Building
New York, NY 10006
(212) 885-5149

07 CV 10301

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



COBELFRET FERRIES NV,

Plaintiff,

v.

ADG SHIPMANAGEMENT, AMANDA
SHIPPING CO. and BALTICA SHIPPING
& TRADING,

Defendants.

07 Civ.

VERIFIED COMPLAINT

Plaintiff COBELFRET FERRIES NV ("Plaintiff"), as Charterer of the M/V AMANDA, by its attorneys Blank Rome, LLP, complaining of the above-named Defendants ADG SHIPMANAGEMENT, AMANDA SHIPPING CO. and BALTICA SHIPPING & TRADING, alleges upon information and belief as follows:

1. This is a case of admiralty and maritime jurisdiction, as hereinafter more fully appears, and is an admiralty or maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. The Court has subject matter jurisdiction.

2. At all material times, COBELFRET FERRIES NV was and now is a foreign company organized and existing under the laws of Belgium and the Charterer of the Motor Vessel AMANDA (the "Vessel").

3. ADG SHIPMANAGEMENT GMB ("ADG") is a German registered company with offices at Ferdinandstrasse 2, 20095, Hamburg, Germany and in Riga, Latvia.

4. AMANDA SHIPPING CO. is a foreign company, at all material times.

5. BALTICA SHIPPING LTD. ("Baltica") is a Latvia company with its principal office and place of business at Balasta Dambis 70-6, LV-1048, Riga, Latvia. It is a ship's agent and the designated paying agent by ADG and Amanda for all hire earned on the Vessel.

THE BASIC FACTS

6. Cobelfret entered in a contract of charter party for the use of the vessel on or about May 13, 2003 (the "Charter").

7. ADG invoiced Cobelfret for hire under the Charter and designated an account of Baltica, in Latvia, as "beneficiary."

8. In or about May 2004 ADG assigned the Charter to Amanda, but remains liable with Amanda for all obligations under the Charter.

9. In or about October 2007 the Vessel has suffered a complete and total engine failure requiring discharge of laden cargo and, according to ADG/Amanda, repairs in Odessa.

10. The Vessel is now “off-hire” under the Charter and Cobelfret’s own sub-charter.

11. Despites under the Charter have arisen relating to Cobelfret’s over-payment of hire, a speed and performance dispute and off-hire period.

12. Plaintiff will issue against the M/V AMANDA in rem and her owners and/or demise charterers in the English High Court. A true copy is Exhibit 4 to the accompanying Rule B affidavit (the “Writ”).

13. The Writ claims the following sums:

Overpaid Hire:	€128,181
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Losses arising from breakdown and withdrawal of Vessel:	€550,000
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	€678,181
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14. ADA/Amanda has advised that it intends to sell the Vessel.

15. The in personam disputes are subject to English law and London arbitration. This action is expressly filed without prejudice to that right of arbitration.

COUNT I

RULE B RELIEF

16. Plaintiff repeats paragraphs 1 through 11 as if fully set forth herein.

17. Plaintiff seeks issuance of process of maritime attachment so that it may obtain security for its claims, as set out in the Writ, including its English attorneys’ fees and arbitrators’ fees which are routinely awarded in London arbitration and no security for Plaintiff’s claim has been posted by ADG SHIPMANAGEMENT, AMANDA

SHIPPING CO. and BALTICA SHIPPING & TRADING or anyone acting on its behalf to date.

18. At best as can now be estimated, Plaintiff expects to recover the following amounts in the arbitration:

- A. On the principal claim of Euros 678,181 at €1.46 = \$1.00 \$ 990,144
- B. Estimated Recoverable English Lawyers and Arbitrators' Fees & "Costs" \$ 300,000
- C. Interest over the course of 3 years at prime rate average of 8% per annum: \$ 237,634

TOTAL: \$1,527,778

19. Defendant cannot be found within this district within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure ("Rule B"), but is believed to have, or will have during the pendency of this action, assets in this jurisdiction.

WHEREFORE, Plaintiff prays:

A. That process in due form of law issue against ADG SHIPMANAGEMENT, AMANDA SHIPPING CO. and BALTICA SHIPPING & TRADING, citing it to appear and answer under oath all and singular the matters alleged in the Verified Complaint;

B. That since Defendants cannot be found within this District pursuant to Rule B, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B attaching all of Defendants' tangible or intangible property or any other funds held by any garnishee, which are due and owing to Defendants up to the amount of \$1,527,778 to secure the Plaintiff's claims, and that all

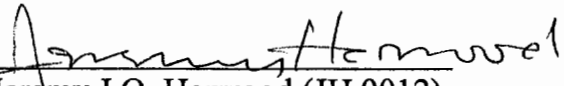
persons claiming any interest in the same be cited to appear and, pursuant to Rule B, answer the matters alleged in the Verified Complaint;

C. That this Court retain jurisdiction over this matter through the entry of a judgment or award associated with the pending claims including appeals thereof.

D. That Plaintiff may have such other, further and different relief as may be just and proper.

Dated: New York, NY
November 13, 2007

Respectfully submitted,
BLANK ROME, LLP
Attorneys for Plaintiff

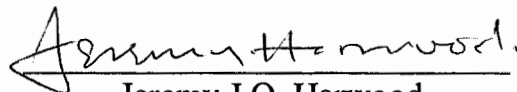
By 
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
New York, NY 10174
Tel.: (212) 885-5000

VERIFICATION

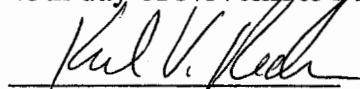
STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

Jeremy J.O. Harwood, being duly sworn, deposes and says:

1. I am a member of the bar of this Honorable Court and of the firm of Blank Rome, LLP, attorneys for Plaintiff.
2. I have read the foregoing Complaint and I believe the contents thereof are true.
3. The reason this Verification is made by deponent and not by Plaintiff is that Plaintiff is a foreign corporation, no officer or director of which is within this jurisdiction.
4. The sources of my information and belief are documents provided to me and statements made to me by representatives of Plaintiff.


Jeremy J.O. Harwood

Sworn to before me this
13th day of November 2007


Notary Public

KARL V. REDA
Notary Public, State of New York
No. 30-4783126, Qual. in Nassau Cty.
Certificate Filed in New York County
Commission Expires *Nov-30, 2009*

BLANK ROME, LLP
Attorneys for Plaintiff
Jeremy J.O. Harwood (JH 9012)
405 Lexington Avenue
The Chrysler Building
New York, NY 10174
(212) 885-5000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COBELFRET FERRIES NV,

Plaintiff,

v.

ADG SHIPMANAGEMENT, AMANDA
SHIPPING CO. and BALTICA SHIPPING
& TRADING,

Defendants.

07 Civ.

**AFFIDAVIT UNDER
SUPPLEMENTAL RULE B**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

JEREMY J.O. HARWOOD, being duly sworn, deposes and says:

1. I am a member of the Bar of this Honorable Court and a member of the firm of Blank Rome, LLP, attorneys for the Plaintiff herein. I am familiar with the circumstances of the complaint and submit this affidavit in support of Plaintiff's request for the issuance of process of maritime attachment and garnishment of the property of defendants ADG SHIPMANAGEMENT, AMANDA SHIPPING CO. and BALTICA SHIPPING & TRADING, as Charterer of the M/V AMANDA, companies organized and

existing under the laws of Germany, pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

2. The defendants are not incorporated or registered to do business in this State.

3. Under my supervision, my office did a search of the New York State Secretary of State, Division of Corporations, Transportation Tickler (2006 edition), telephone assistance in New York City, and the internet Yellow Pages.

4. In our search, we did not find any listing or reference to defendants in this district or state.

5. I also searched their internet web sites, Ex. 1 hereto, which do not disclose any New York registration to do business or offices.

6. In the circumstances, I believe the defendants cannot be “found” within this district.

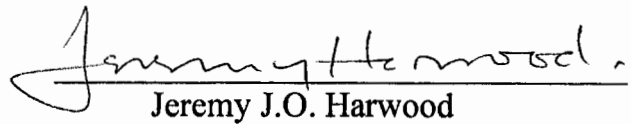
7. I attach as Exhibit 2 hereto a copy of the 2003 hire invoice by which ADG Shipmanagement GmbH, (“ADG”) then the owner under the Charter, designated its agent Baltica Shipping & Trading Ltd. (“Baltica”) as the “beneficiary” for hire payable in respect of the M/V AMANDA.

8. I attach as Exhibit 3 a hire statement dated October 26, 2007 in which ADG Shipmanagement Ltd. likewise designates Baltica as “beneficiary” for all payments owing in respect of the M/V AMANDA by plaintiff.

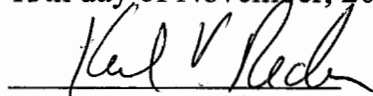
9. In the circumstances, and upon due inquiry, Baltica is the “paying agent” or beneficiary of sums owing to its principals ADG and/or Amanda and sums remitted to

Baltica in respect of the M/V AMANDA or other vessels owned by ADG and/or Amanda are subject to Rule B attachment.

10. I attach, as Exhibit 4, a true copy of a writ to be issued in the English High Court against the Vessel *in rem* and her owners, as set forth, in respect of the claims for which security is sought herein.


Jeremy J.O. Harwood

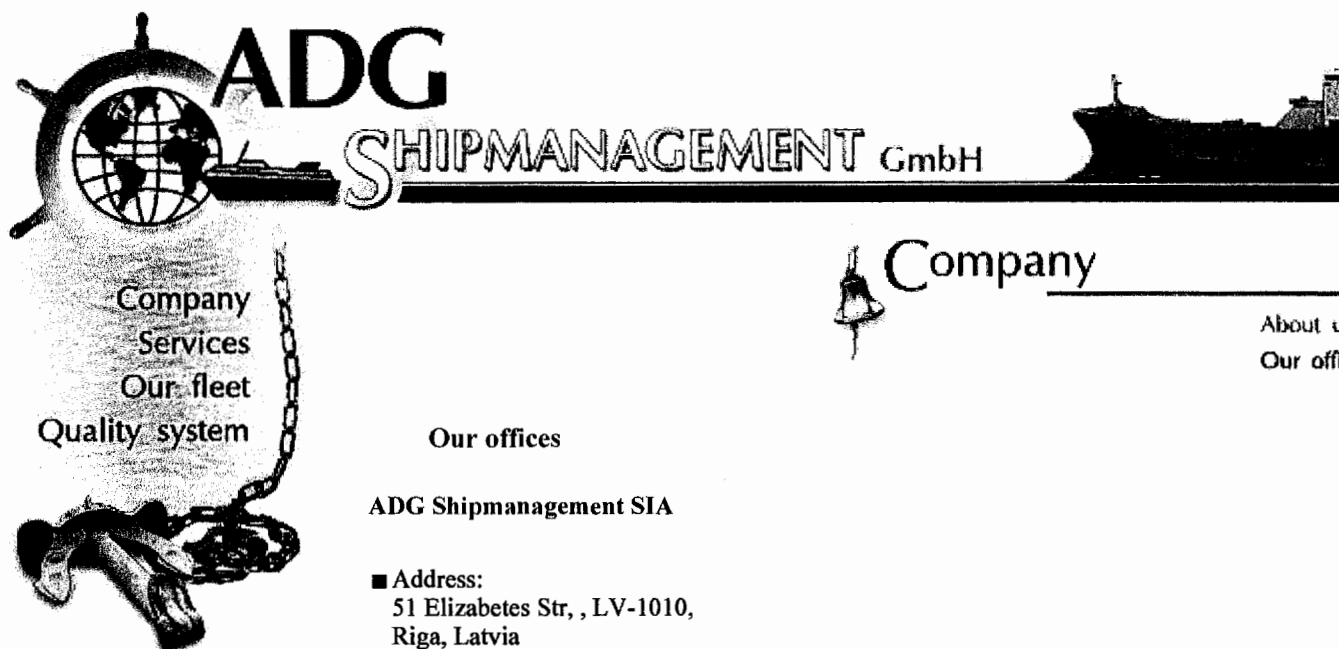
Sworn to before me this
13th day of November, 2007


Notary Public

KARL V. REDA
Notary Public, State of New York
No. 30-4783126, Qual. in Nassau Cty.
Certificate Filed in New York County
Commission Expires

Nov. 30, 2009

EXHIBIT 1



Our offices

ADG Shipmanagement SIA

- Address:
51 Elizabetes Str., LV-1010,
Riga, Latvia
- Phone: +371 7 365354
- Fax: +371 7 365360
- E-mail: shipping@adg.lv
- Technical Department: adg@mailbox.riga.lv

ADG Shipmanagement GmbH (Germany)

- Address:
Ferdinandstrasse 2, 20095
Hamburg, Germany
- Phone: +49 40 325521-0
- Fax: +49 40 32526493, +49 40 32526498
- Telex: 2163532adgd

UNIMAR (Universal Maritime Assistance)

- Address:
2nd Floor
2, Vindavskaya Str.,
198035 St.-Petersburg
Russia
- Phone/fax: +7 812 3246546
- E-mail: adg-1@peterlink.ru

Company Services Our fleet Quality system



Copyright: ADG Shipmanagement GmbH

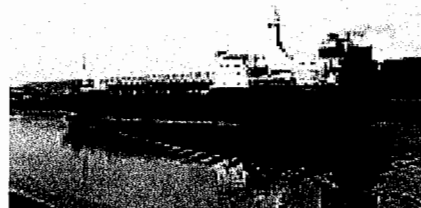


Company
Services
Our fleet
Quality system

Our fleet

Amanda

■ Built year	1978
■ Tonnage	
Deadweight	14093
GRT	14715
NRT	4414



GENERAL:

■ BUILT BY:	Paul Lindenau Werft, Kiel, Germany
■ FLAG:	Belize
■ PORT OF REGISTRY:	Belize
■ CLASS:	
■ MAIN ENGINE:	Maskineri. 9-cyl, MaK diesel
■ OUTPUT:	11.604kW
■	
■	
■	
■	
■	
■	
■	
■	
■ CARGO CAPACITY:	1.810 Lanemeters / 130 trailers

ACCOMODATION FOR 12 DRIVERS
IS AVAILIABLE IN GOOD CONDITION

Company Services Our fleet Quality system



Copyright: ADG Shipmanagement GmbH

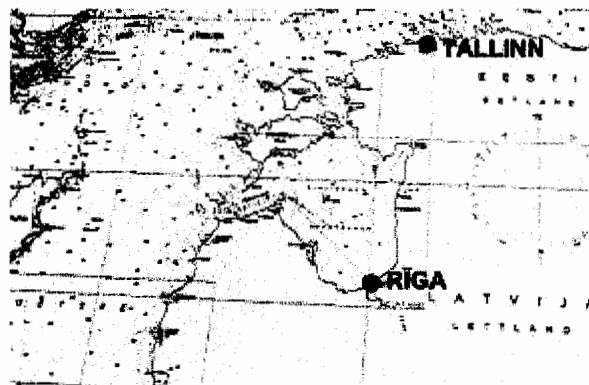


History

Our company **SIA (Ltd.) BALTICA SHIPPING** in Latvia was registered and started its activities as port agent in September 29, 1997 in port of Riga. Port agency is still our main occupation.

Our daughter company **Baltica Shipping Estonia OÜ** was created in November 5, 1999 with main office in Tallinn.

We are acting as port agents in all ports of Latvia and Estonia performing about 800 calls per year.



Zoom in

[Philosophy](#)

[History](#)

[Services](#)

[Ports of Latvia](#)

[Ports of Estonia](#)

[Membership](#)

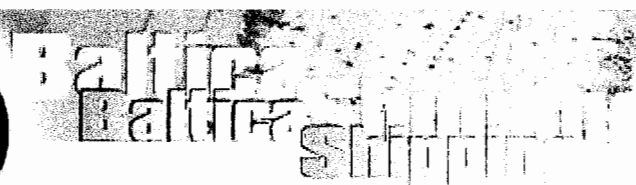
[Our Crew](#)

[Photogallery](#)

www.baltica.lv
WEBMASTER

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Revised: 11-Feb-2004 22:24



The best Despat

Tuesday November 13, 2007

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[Sitemap](#)

Ports of Activity

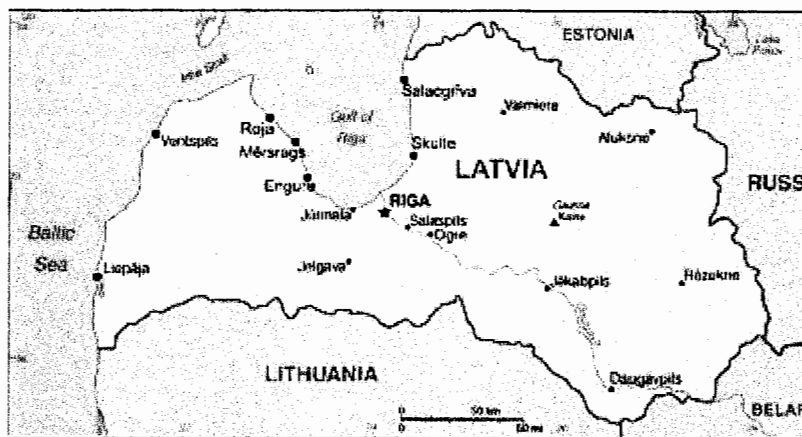
We are at your service in all ports of Latvia and Estonia.

In Latvia up to 500 vessels are handled at yearly basis with all kind of products (main activity - forest products).

Ports in Latvia:

Riga, Liepaja, Ventspils, Mersrags, Skulte, Salatsgriva, Roja, Engure.

Ports of Estonia



Zoo1

[Philosophy](#)

[History](#)

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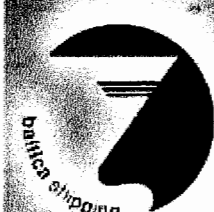
[Our Crew](#)

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Tuesday November 13, 2007

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Services

I. Port agency - clearance.

II. Organizing:

- ships' repair & delivery of spare parts,
- ships' safety equipment and documentation
- bunker supply,
- medical aid,
- fresh water & provision supply,
- airway tickets for seamen,
- removing sludge & bilge waters,
- other services in accordance with owners' order
- service for crew & passengers,
- crew change,

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Tuesday November 13, 2007

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Contacts

Baltica Shipping Ltd. Latvia

Balasta dambis 70 - 6

LV - 1048, Riga, Latvia

Tel.: + 371 7873839

Fax: + 371 7873838

E-mail: baltica@baltica.lv

Solveiga Gulau, director

+ 371 29553950

E-mail: solveiga.gulau@baltica.lv

Dagnis Pakalnetis, ships' agent

+ 371 29196973, dagnis.pakalnetis@baltica.lv

Vilnis Vosekalns, ships' agent

+ 371 26199333, vilnis.vosekalns@baltica.lv

Artur Tile, ships' agent

+ 371 26336422, arturs.tile@baltica.lv

Baiba Bushmane, accountancy department

+ 371 7873840, baiba.bushmane@baltica.lv

Baltica Shipping Estonia OÜ

Peterburi Road 46 - 210

11415, Tallinn, Estonia

Tel.: + 372 6139706

Fax: + 372 6139707

E-mail: ou.baltica@neti.ee

Allan Must, managing director

+ 372 5172 040, balticaallan@hotmail.ee

Marko Hein, ships' agent

+ 372 5172 140, balticamarko@hotmail.ee

Tanel Gehrke, ships' agent

+ 372 5100 237, balticatanel@hotmail.ee[Philosophy](#)[History](#)[Services](#)[Ports of Latvia](#)[Ports of Estonia](#)[Membership](#)[Our Crew](#)[Photogallery](#)www.baltica.lv
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Revised: 24-Oct-2006 21:38

EXHIBIT 2

**ADG
SHIPMANAGEMENT
GMBH**

Representative office: Andrejostas 4a,
LV 1045, Riga, Latvia
Tel: +371 7 020609
Fax: +371 7 020606
E-mail: adg@mailbox.riga.lv

To : **FEARNLEYS**
ACCT : **COBELFRET FERRIES NV**

FAX : +47 22 93 62 50

Invoice No 05 "AMANDA" 05/03
Date: 12.08.03

MV "AMANDA"

C/P OSLO 13.05.03

Hire for period 16.08.03 00:00 – 31.08.03 24:00

16 days x US\$ 6.500,00 = US\$ 104.000,00

TOTAL = US\$ 104.000,00

Please latest 15.08.2003

Please remit to:

Beneficiary: Baltica Shipping & Trading Ltd.

Beneficiary's bank Parex Bank, Riga
SWIFT Code PARXLV22
Account No 6365071018

Correspondent bank Bankers Trust Co, New York
SWIFT: BKTRUS33

Correspondent Account 04 – 407 – 692

ADG Shipmanagement GmbH
Financial Department
Lina Pogorilere

EXHIBIT 3

From: 3717365363 +3717365360 47 229 <
 Subject: 1 page - Msg: 1781546 - 071026 090400
 Date: 26.10.2007 09:04:59 (printed 26.10.2007 09:10:23)
 26.OCT.2007 10:03 +3717365360 ADG SHIPMANAGEMENT #2731 P.001 /001

**ADG
SHIPMANAGEMENT
LTD**

Post address:
 Elizabetes 51,
 LV 1010, Riga, Latvia
 Tel: +371 7 365 356
 Fax: +371 7 365 360
 E-mail: accounting@adg.lv

INVOICE

To : FEARNLEYS
 ACCT : COBELFRET FERRIES NV
 FAX : +47 22 93 62 50

Invoice No 214/07
 Date: 26/10/2007

MV "AMANDA"
C/P OSLO 13.05.03

Hire 105th installment for period 01/11/2007 00:00 - 15/11/2007 24:00

15 days x EUR 8.230,00 = EUR 123.450,00

TOTAL = EUR 123.450,00

Please make the money available on our account on 01/11/2007 latest
 All bank charges should be on the remitters' account

Please remit to:

Beneficiary:	Baltica Shipping & Trading Ltd.
Beneficiary's bank	Parox Bank, Riga
SWIFT Code	PARXLV22
IBAN account No	LV22 PARX 0006 3650 7101 8
	PLEASE USE IBAN REMITTING MONEY!!!

Ekaterina Uspenskaya
 Accounting Department
 ADG Shipmanagement Ltd
 For and on behalf of owner



EXHIBIT 4



Claim Form (Admiralty claim in rem)

**In the High Court of Justice
Queen's Bench Division
Admiralty Court**

For court use only

Claim No.

Issue date

Admiralty claim in rem against
The vessel M/V "AMANDA"

SEAL

of the Port of Belize, Belize City

Claimants
Cobelfret Ferries N.V. of Belgium

Defendant
The Owners and/or demise charterers of the vessel M/V "AMANDA"

Brief details of claim:

The Claimants are the charterers of the Defendant vessel pursuant to a BALTIME 1939 charterparty dated 19 May 2003 and have overpaid hire in the sum of €128,181.17 (Euros one hundred and twenty eight thousand one hundred and eighty and seventeen cents), some of which has been admitted, but not paid. Despite requests for payment, these sums remain outstanding. In addition, the Defendant vessel has recently suffered a major engine breakdown and as a consequence of which the Defendant vessel is likely to undergo repairs and will not be at charterers disposal for approximately four months. The Claimants estimate that their loss of earnings for this period to be in the region of €550,000.00 (Euros five hundred and fifty thousand). There may be other claims arising out of the loss of use of the vessel, to be particularized as appropriate at a later stage. Therefore, the Claimants claim damages and/or an indemnity and/or restitution for breach of contract evidenced by the charterparty and/or breach of duty for sums including but not limited to €128,181.17 for overpaid hire, plus approximately €550,000.00 for anticipated loss of earnings, plus any other losses whatsoever arising out of or in connection with the loss of use of the vessel and/or any other cause whatsoever in respect of which the Court has jurisdiction, to be particularized as appropriate at a later stage. The Claimants also claim interest on all sums due, and costs.

Does or will your claim include any issues under the
Human Rights Act 1998

Yes

☐

No

☒

Claim No.	
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Particulars of Claim (attached)(to follow)

1. This claim form is issued under section B3.11/B4.4 of the Commercial Court Guide and may be served notwithstanding that it does not bear the seal of the Court.
2. A true copy of this claim form and endorsement has been transmitted to the Admiralty and Commercial Registry, Royal Courts of Justice, Strand, London WC2A 2LL, at the time and date certified below by the undersigned solicitor.
3. It is the duty of the undersigned solicitor or his agent to attend at the Registry when it is next open to the public for the claim form to be sealed.
4. Any person upon whom this unsealed claim form is served will be notified by the undersigned solicitor of the number of the case and may require the undersigned solicitor to serve a copy of the sealed claim form at an address in England and Wales and may inspect without charge the documents which have been lodged at the Registry by the undersigned solicitor.
5. I, the undersigned solicitor, undertake to the Court, to the defendants named in this claim form, and to any other person upon whom this claim form may be served:
 - (i) that the statement in paragraph 2 above is correct;
 - (ii) that the time and date given in the certificate at the foot of this endorsement are correct;
 - (iii) that this claim form is a claim form which may be issued under section B3.11 (or B4.4, as the case may be) of the Commercial Court Guide;
 - (iv) that I will comply in all respects with the requirements of section B3.11/B4.4 of the Commercial Court Guide;
 - (v) that I will indemnify any person served with the claim form before it is sealed against any loss suffered as a result of the claim form being or becoming invalid in accordance with section B3.11/B4.4 of the Commercial Court Guide.

(Signed)

Solicitor for the claimant

Statement of Truth

*(I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

* I am duly authorised by the claimant to sign this statement

Full name _____

Name of claimant's solicitor's firm Holman Fenwick & Willan

signed _____ position or office held _____

*(Claimant)(Claimant's solicitor)

(if signing on behalf of firm or company)

*delete as appropriate

Holman Fenwick & Willan
 Marlow House,
 Lloyd's Avenue,
 London, EC3N 3AL

Fax: +44 (0)20 7481 0316
 E-mail: holmans@hfw.co.uk

HFWLDN4720908-1

Claimant's or claimant's solicitor's address to
 which documents or payments should be sent if
 different from overleaf including (if appropriate)
 details of DX, fax or e-mail.